

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1747 OF 2017

1) SALMA MURTUZA SHAIKH)
2) SULTANA MURTUZA SHAIKH)
3) ZAINAB MURTUZA SHAIKH)...APPLICANTS

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Sujit Shelar i/b. Mr.Ganesh Rangayya, Advocate for the Applicant.

Mr.S.S.Hulke, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 6th OCTOBER 2017

P.C. :

1 Three applicants who are accused in Crime No.362 of 2017, by this application are seeking pre-arrest bail for offences punishable under Sections 326, 324, 323, 504, 506, 506(2) of Indian Penal Code (IPC) registered with Police Station Mumbra.

2 Heard the learned advocate appearing for applicants / accused. He submits that except the offence punishable under

Section 326 of IPC, all other offences alleged against applicants / accused are bailable in nature. Therefore, in submission of the learned advocate for applicants / accused, unless and until it is shown that the injured has suffered grievous hurt, custodial interrogation of present applicants / accused is not warranted.

3 Upon being asked, the learned APP relying on the case diary of the crime in question pointed out that Karsho Shaikh – injured in the incident has suffered injury to her lower eyelid. He placed reliance on certificate issued by L.T.M.G. Hospital, Sion, Mumbai.

4 I have carefully perused papers of investigation and also considered the injury certificate issued by the Municipal hospital. The FIR as well as papers of investigation show that the only person who suffered bleeding injury is Karsho Shaikh. Perusal of the injury certificate shows that the injury so suffered by said Karsho Shaikh is simple in nature.

5 Another person who suffered injury in the incident is Shabana – the First Informant. Her injury certificate is not on record. Obviously, Section 326 of the IPC is invoked by the prosecution with the aid of injury certificate of Karsho Shaikh. The injury suffered by her is simple in nature as certified by the doctor. In this view of the matter, custodial interrogation of applicants / accused is not warranted and as such the order :

ORDER

- i) The application is allowed.
- ii) In the event of their arrest in Crime No.362 of 2017, registered with Police Station Mumbra for offences punishable under Sections 326, 324, 323, 504, 506, 506(2) of Indian Penal Code (IPC), applicants / accused shall be released on bail on his executing P.R.Bond in the sum of Rs.15,000/-, and on furnishing surety in like amount, by each of them.
- iii) Applicants / accused shall make themselves available for interrogation, as and when required by the Investigating Officer.

iv) Applicants / accused shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the court or to the Police Officer.

(A. M. BADAR, J.)